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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,810	03/01/2006	Masaaki Uenaka	SHIOP0100US	8381

7590 01/16/2009  
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EXAMINER
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BERCH, MARK L

ART UNIT	PAPER NUMBER
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1624

MAIL DATE	DELIVERY MODE
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01/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### DETAILED ACTION

The amendment filed 01/08/2009 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance.

The terms as explained previously are not standard or conventional terms. Applicants point to page 9, where the term is used, and examples are given, but that still does not say what the term means. There isn't necessarily even a large difference between the two, as for example "dissoluble solvent" includes chlorobenzene and "indissoluble solvent" includes benzene. Alcohols appear on both lists; indeed, both lists start with "alcohols such as...." The remarks say "The term "dissoluble solvent" refers to a solvent used to dissolve the compound (I) or solvate." If that is the case, what does "dissoluble" mean? It would seem that if the word were removed, then the claim's meaning would stay the same, so how does the term limit the claim? Applicants go on to say, "The term "indissoluble solvent" refers to a solvent used to precipitate crystal from the solution containing the compound (I) or solvate." The remarks also refer to "an anti-solvent solidification process". But these aren't the same thing. There are two problems here with this possible equating of "indissoluble solvent" with anti-solvent. An antisolvent simply precipitates a compound from solution; but "precipitate crystal from the solution" is narrower, requiring that the compound be precipitated in crystalline form. Thus if "indissoluble solvent" refers just to an anti-solvent, that is inconsistent with "precipitate crystal from the solution", which is a narrower notion. And second, according to Table A in the specification, no precipitation is recorded for three of the solvents: diethyl ether, toluene, and n-hexane. Thus, these three appear not to be antisolvents, even though these are on "indissoluble solvent" list. For both of these reasons, then, "indissoluble solvent"

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cannot be deemed as equivalent to antisolvent, and thus the term remains of unknown meaning.

The claim 19 rejection is overcome by the amendment, which is entered. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Mark L. Berch/ whose telephone number is 571-272-0663. The examiner can normally be reached on M-F 7:15 - 3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on (571)272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark L. Berch/  
Primary Examiner  
Art Unit 1624

1/15/2009